

Attorney Docket No. 32892.00023

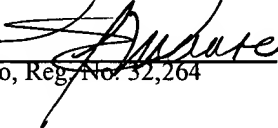


PATENT

#7YA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service as Express Mail Service, Express Mail No. EE863295436US, under 37 C.F.R. §1.10, on March 30, 1999, in an envelope addressed to: **Box Amendment, Assistant Commissioner for Patents, Washington, D.C. 20231.**


Peter J. Manso, Reg. No. 32,264

March 30, 1999
Date

In re Application of: Eugenio A. Cefali
Serial No.: 08/960,557
Filing Date: October 31, 1997
Group Art Unit: 1615
Examiners: J. Spear

Title: **METHODS FOR TREATING HYPERLIPIDEMIA WITH
INTERMEDIATE RELEASE NICOTINIC ACID
COMPOSITIONS HAVING UNIQUE BIOPHARMACEUTICAL
CHARACTERISTICS**

Box Amendment
Assistant Commissioner of Patents
Washington, D.C. 20231

Dear Sir:

AMENDMENT

This Amendment is responsive to the Office Action mailed on September 23, 1999 inconnection with the above-identified application for U.S. patent. Submitted herewith for consideration by the Examiner is a copy of Dr. Straughn's Declaration, in which the original was submitted in related U.S. patent application, Serial No. 08/814,974. Dr. Straughn's declaration presents evidence which supports "no inherency" and that the formulations described in the O'Neill U.S. Patent No. 5,268,181 causes both treatment-limiting hepatotoxicity and increases in uric acid and/or glucose levels.

Kindly amend the above-identified application for U.S. patent as follows.